

## REMARKS

### Drawings

Several minor spelling and other errors inadvertently included in the original drawings have been corrected. A clean sheet of all amended figures are attached along with a redlined version of each amended figure clearly showing all amendments. No new matter is believed to have been added by the drawing amendments.

### Claim Rejections Under § 102

Paragraph 2 of the Action rejects claims 21-23 and 26-29 under 35 U.S.C. 102(b) as being unpatentable in view of Gregorek (U.S. Patent 5,557,658). Claims 21-23 and 26-19 have been cancelled by the above amendments thereby rendering the rejection moot as to these claims. Accordingly, Applicant respectfully requests that the rejection be withdrawn as to cancelled claims 21-23 and 26-29. Applicant notes, however, that claims 21-23 and 26-29 are cancelled without prejudice, and Applicant expressly reserves the right to pursue any patentable subject matter that may be included in cancelled claims 21-23 and 26-29 at a later time.

### Claim Rejections Under § 103

Paragraphs 4 of the Action rejects claims 1-12, 14-20, 24, 25, and 30-32 under 35 U.S.C. 103(a) as being obvious in light of Gregorek. Claims 1-12, 14-20, 24, and 25 have been cancelled by the above amendments thereby rendering the rejection moot as to these claim. Accordingly, Applicant respectfully requests that the rejection be withdrawn as to cancelled claims 1-12, 14-20, 24, and 25. Applicant notes, however, that claims 1-12, 14-20, 24, and 25 are cancelled without prejudice, and Applicant expressly reserves the right to pursue any

patentable subject matter that may be included in cancelled claims 1-12, 14-20, 24, and 25 a later time.

With regard to claims 30-32, Applicant traverses this rejection because Gregorek fails to teach, suggest, or disclose every element of independent claim 30. In order to sustain a *prima facie* case of obviousness, Gregorek must teach or suggest every claim limitation and also a reasonable expectation that the claimed combination will be successful (see MPEP §2141.03).

The Action states that because the message generator of Gregorek is capable of being dialed by remote computing equipment in order to update previously stored announcements, a user would be able to access and update user's preferences. What the Action fails to take into account, however, is that Gregorek does not teach obtaining, maintaining, or using user preferences as taught in the present application and claimed, for example, in claim 30. Therefore, Gregorek cannot teach, suggest, or disclose, e.g., "... a user accessing a record containing the user's preferences from a database ..." as required by claim 30. Accordingly, Gregorek cannot render claim 30 obvious. It should be noted that this is true even if the invention as claimed in claim 30 is within the skill of one of ordinary skill in the art, which is what the Action appears to be stating (See MPEP §2143.01).

Because Gregorek cannot render independent claim 30 obvious under 35 U.S.C. 103(a), Applicant respectfully requests withdrawal of the rejection as to independent claim 30. Further, because claims 31 and 32 depend from independent claim 30, which is itself allowable over Gregorek, Applicant respectfully requests the withdrawal of the rejection as to claims 31 and 32 as well.

Miscellaneous Claim Amendments

Several miscellaneous claim amendments were made above to correct minor deficiencies inadvertently incorporated into the claims. Applicant does not believe that any new matter was added by these amendments, nor does Applicant believe that the scope of the amended claims is affected.

In addition, the limitations of claims 32 have been divided between amended claim 32 and new claims 51-53; however, no new matter is believed to have been added by this amendment or the additions of claims 51-53.

New Claims

Several new claims are added by the above amendments. Applicant believes that no new matter has been added through the addition of these new claims. Because new claims 33-50 ultimately depend from independent claim 13, which the Action indicates is allowable over the art of record, Applicant believes that new claims 33-50 are also allowable over the art of record. Further, because new claims 51-56 ultimately depend from claim 30, which as explained above is also allowable over the art of record, Applicant also believes that new claims 33-50 are allowable over the art of record.

### CONCLUSION

Based on the above amendments and remarks, Applicants believe that the claims are in condition for allowance and such is respectfully requested.

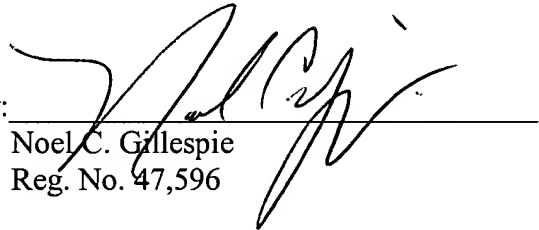
After the above Amendments, claims 13 and 30-56 are still pending in the application, of which claims 13 and 30 are independent claims. Thus, there are 28 total claims and 2 independent claims. Prior to the above amendments, there were 33 total claims and 5 independent claims. Accordingly, no fee for additional claims is believed due. The Commissioner is hereby authorized to charge any fees required by this response to our Deposit Account No. **50-2613** (Order No. 45391.00003).

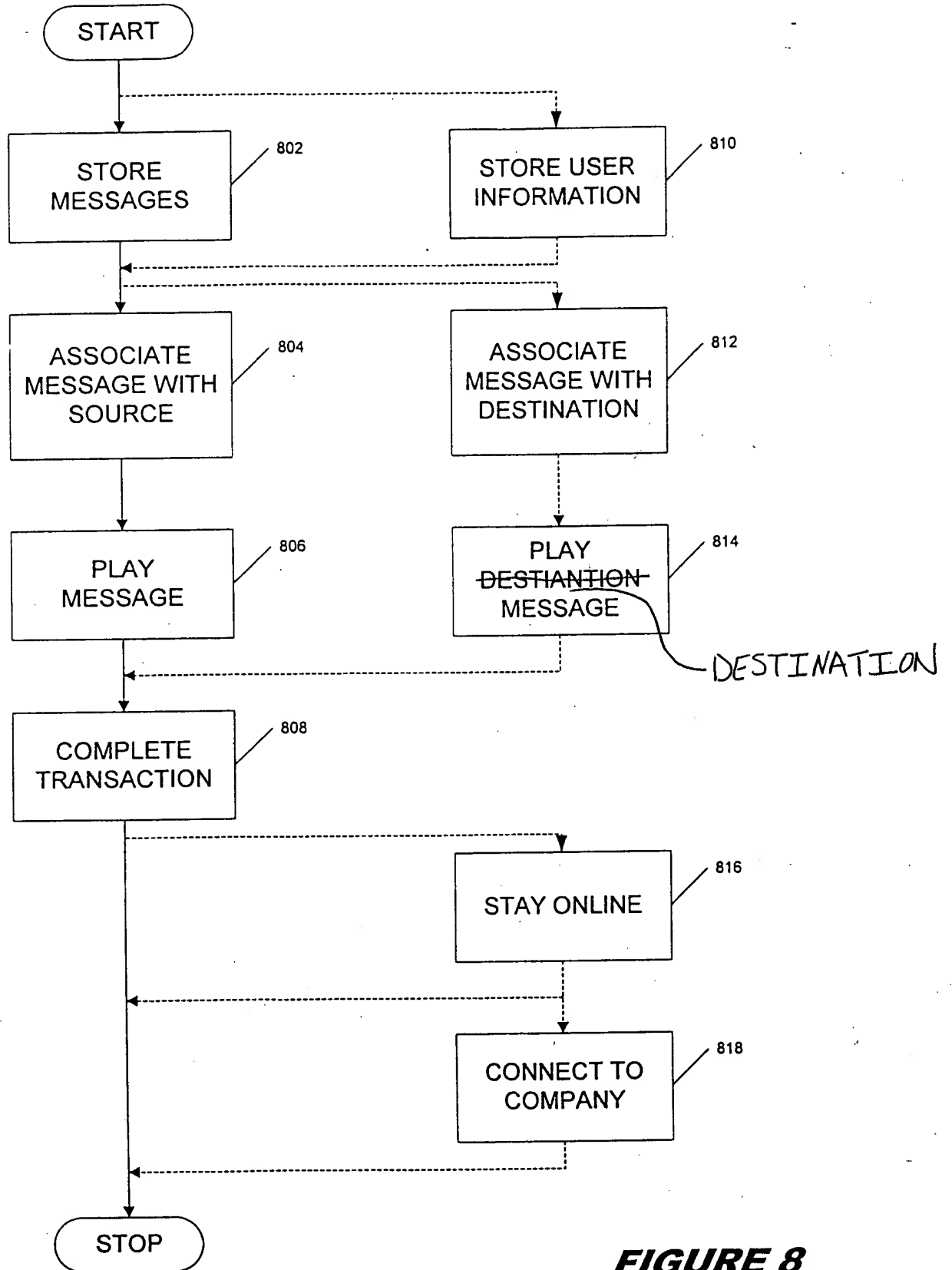
Respectfully Submitted,

Dated: **July 9, 2003**  
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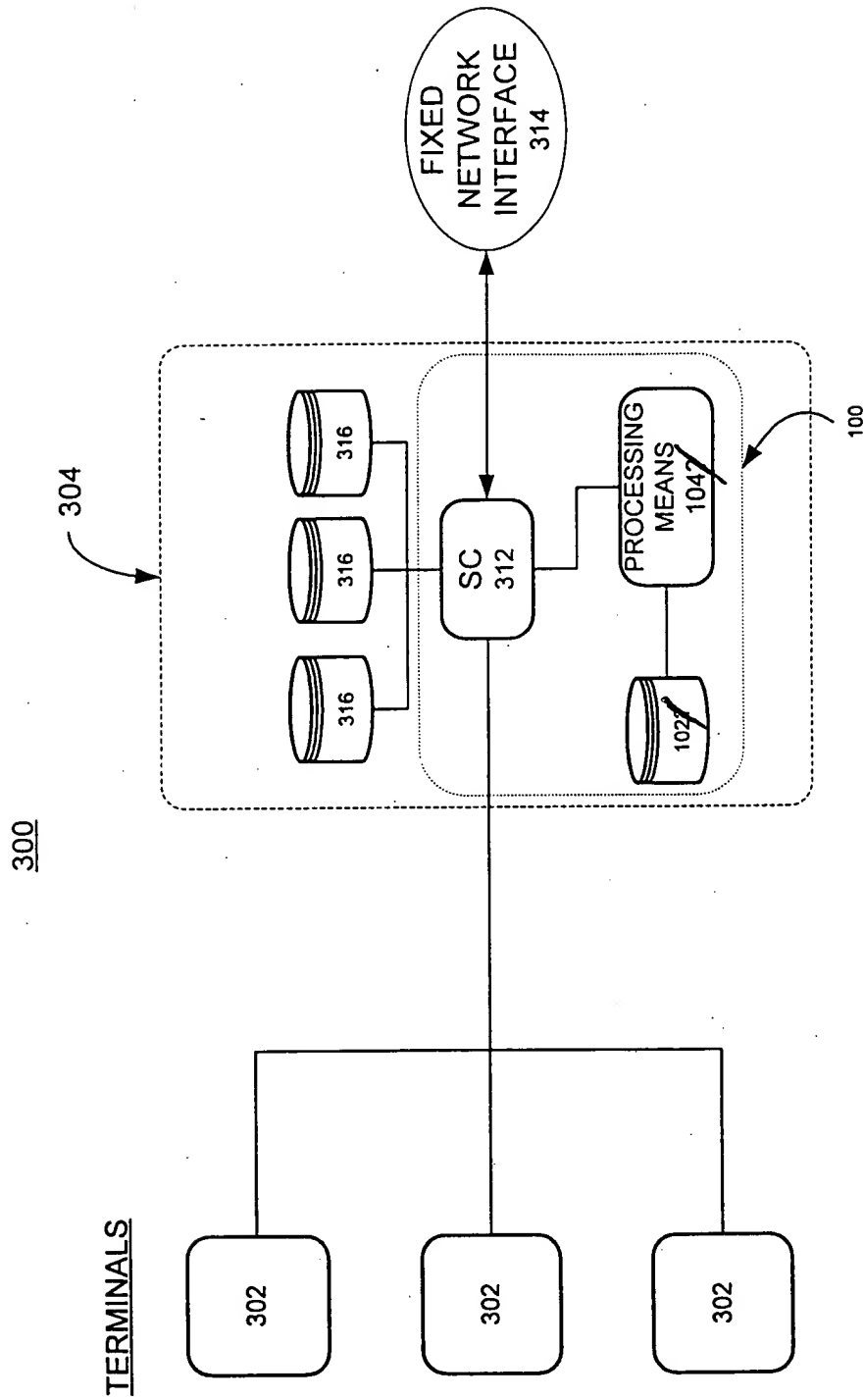
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**FIGURE 8**



**FIGURE 3**